

**CALIFORNIA WATER PLAN UPDATE 2009**  
**REGIONAL TRIBAL WATER PLENARY MEETING #2**

*North Coast Waters*

*held at Consolidated Tribal Health Wellness Building*

*March 10, 2009, Redwood Valley, CA*

**MEETING SUMMARY**

**Table of Contents**

|   |   |
|---|---|
| (1) Opening Prayer.....   | 1 |
| (2) The California Water Plan Update 2009 and Tribal Engagement.....    | 1 |
| (3) “Water in the Vein” Film, and “Sacredness of Water” Discussion..... | 1 |
| (4) General Discussion.....   | 2 |
| (5) Next Steps and Recommendations .....                                | 4 |
| (5) Closing and Thanks .....  | 5 |
| (6) Attendance.....   | 5 |
| (7) Mind Map .....  | 6 |

Facilitators: Mr. Mark Franco, Headman of the Winnemem Wintu. Ms. Atta P. Stevenson, Cahto Tribal member.

## **(1) Opening Prayer**

Opening prayer by Cynthia Daniels, Hopland Pomo Elder. We thank her for her time and words in her Native Tribal language. It was announced during the morning session that the afternoon would be dedicated to Tribal-specific participation only. Two surveys were distributed, one from the California Tribal Water Summit Planning Team and one from the Water Commission.

## **(2) The California Water Plan Update 2009 and Tribal Engagement**

Barbara Cross, Government and Community Liaison, DWR, presented an overview of the California Water Plan Update 2009. Barbara’s presentation included a summary of Tribal participation in the process to date. She reviewed the work of the Tribal Communication Committee, which had been meeting since October 2007 and produced a Tribal Communication Plan in the summer of 2008; the Tribal Water Stories Project; and the Tribal Water Summit planning process. Barbara explained that all people with an interest are encouraged and invited to participate in the monthly planning meetings for the Summit. Barbara indicated that input from each Regional Tribal meeting will be shared with following meetings.

## **(3) “Water in the Vein” Film, and “Sacredness of Water” Discussion**

A short film, “Water in the Vein,” was presented. Discussion by Mark Franco, “Sacredness of Water.” This discussion spoke of the cultural and traditional perspectives of water as a living

life source, and the importance of water within all aspects of life and its ceremonial core value that must be protected and treated with respect.

#### **(4) General Discussion**

The following topics serve only as a summary of dialogue and recommendations from both morning and afternoon sessions.

##### **1. Tribal and Aboriginal Water Rights**

What are the necessary protocols for attaining Tribal water rights? What of the water rights of Tribal allottees? Since very few Tribes have the resources to challenge for their water rights, most do not attempt and accept their local water utility as their main source of water. Given the geographical, political, economic, and cultural proponents involved, no single solution can resolve this issue.

Follow-up: This clearly identifies the need for a permanent cabinet level Native American appointment. This position must be a qualified California Native American with life experiences to be able to assist Tribal communities identify and seek opportunities to address these deficits. The basic right to have access to clean drinking water leaves many Tribal and rural communities without. This appointment would require supportive staff and have sustained funding not less than any other cabinet level personnel.

##### **2. Aboriginal Maps and Overlays**

Current geographic maps do not indicate seismic fault activity on or near Tribal lands. Floodplains are created by illegal water diversions. Mapping must be inclusive of aboriginal territories to identify sacred and sensitive general regions for proposed dams, levees, and other developments that will permanently impair or flood those sites. Tribes are unwilling to assist in participating in this written process due to the lack of confidentiality and access to maps by those who would deface surfaces and remove human remains and artifacts.

##### **3. Mining Contamination**

There are approximately 1600 identified abandoned mines in mainly the eastern Sierras. How many studies aimed at Tribal communities actually had Public Health and Indian Health Services responses? Public drinking water sources have been directly linked to high levels of mercury. What is the cost to Tribal and rural consumers in health related illnesses? Where is California Indian Health Services, Environmental Director? Why is IHS absent from all Tribal regional plenary meetings? Non-existent quality drinking water for those with compromised immune systems, expectant mothers, newborns, and particularly the Elders whom may suffer from chronic illnesses as well. Do our communities not deserve clean drinking water?

Follow-up for #2 and #3: Overlay maps (GIS) of Tribal and aboriginal hydrologic and mining would clearly address long-term contamination to public and recreational water sources. Notice to Mayor Newsom's office to redirect his attention to the abandoned mines themselves rather than the tailings that end up in San Francisco Bay.

#### **4. Tribal Exclusion and Access to Public Bonds**

Bonds are currently earmarked for states and counties. Tribes are NOT eligible to apply. Legislative measures must be advanced to create specific language to INCLUDE the words Tribe/Tribal communities. Tribes are not being treated as states as their status within the federal and state law dictate. By excluding Tribes and denying their ability to participate and have fair and equal access to bonds, their sovereignty is fractured and ignored. Their ability to develop water systems to protect themselves from manmade or natural disasters and to provide emergency assistance is greatly hampered or nonexistent.

#### **5. Consultation**

Language must be developed to clarify the specific legal consultative definition for California Native Tribes/Tribal communities. This document must be derived and created by Tribal partnership. To be submitted to the Governor to be approved by Executive Order.

#### **6. \*\*\* “First in Use” \*\*\***

Follow-Up: All Tribes present felt the State should utilize “First in Use.” Tribal use would greatly exceed all written records in the United States. Adjudication of water rights would be placed and held with their rightful communities.

#### **7. Catastrophic Events/Safety**

Tribal or public communities that will be ordered to evacuate, where do they go? Who within the rural communities assists and to what extent? Where does the drinking grade water come from, and at what cost to deliver it? Is there enough water to sustain long-term encampments? Tribes and Tribal communities are not always included in the county disaster plan if their land is outside of incorporated city limits. Without access to Bond Funds, Tribes will be unable to provide emergency assistance, public communication, etc., to our isolated areas. Catastrophic events such as major failure of infrastructure of dams, levees, bridges, sewer systems, etc., will again leave Tribal communities to their devices without a fair opportunity to access Homeland Security funds.

Follow-up: Create a database with current high risk environmental factors. Environmental Hazard data bank would require fiscal sustainability as well as input of continual terrestrial, oceanic, and atmospheric conditions. Scientific and Tribal knowledge participation would be inclusive of historical land and water usage. To include military munitions sites, road and trail transport systems. Emergency vehicle access and evacuation exists must be identified, may change according to land ownership, illegal water diversions, earthquakes, flooding, fires, land conservation, etc.

#### **8. Public Law 280**

The often misinterpreted definition and exercise of this law often places Tribes and rural communities without enforcement of illegal water diversions and protection of underground water sources. Geographical diversity, political and economic and jurisdictional issues often cloud both concerned consumers and law enforcement alike. Encroachment of water boundaries and contamination and pollution of watersheds share their sordid stories with us all. The waters, indeed, have their own stories to tell.

## **9. Cultural Divide**

It was the consensus of the attendees that there is a gap in the sphere of legal jargon, and those legal writs sometimes do not reflect the true Tribal understanding. The reality is California Water Laws are still being written and are unique to the rest of the Country.

## **10. Ocean Wellness**

There is sound science that the health and well being of the ocean is in dire distress. Warming water, dead zones, rising sea levels, and the expansion and exploration of the military training presence and corporate renewable wave energy will affect the marine ecosystem to some degree. One oil spill could have devastating effects on a fishing industry already suffering from a cancelled fishing season. Many generations will suffer the consequences. Are we prepared for predicted tsunami events? Damaged coastal resources and estuaries are not being adequately supported and protected. Manmade barriers prevent salmon from returning to the natural migratory paths they must make to survive.

## **(5) Next Steps and Recommendations**

1. Create an Alliance to address and create legislative bills. Need to fast-track relevant information to the Tribes and regional partners. This would address Cabinet level appointment to a Native Commission with the state government.
2. Tribal IRWMPs. Since there is extremely limited involvement with Tribes within existing IRWMPs, it would serve to create true and equal partnerships for the preservation and restoration of watersheds that may be compromised, or to prevent such scenarios from occurring.
3. Regional Contacts, people that we can go to for their advocacy on our behalf. Many Tribes do not have good working relationships with county officials or Boards of Supervisors, planners, local agencies, etc. Trust cannot be built within the timeframe of project deadlines. Who can provide knowledgeable assistance to a Tribal community in need?
4. Cannot rely on the state to provide technical assistance, they are too short on experienced staff and the resources to commit honest genuine time to our diverse water concerns.
5. Tribes need to create a blueprint and mapping to chart sustainable water for Future generations. Quality and quantity along with cost, it is Tribes' hope that water shall be available to all underserved communities.
6. Consultation policy from the California Native American Heritage Commission is not to be construed as the final say on how the State of California or its public agencies shall deal with Tribes.

## **(5) Closing and Thanks**

In closing, we are reminded that the spiritual and traditional practitioners have yet to have a voice within policy decision groups. Although we cannot speak for these individuals we are duty bound to honor their wishes and concerns for all Living things. Water is the giver of all life.

We would like to thank DWR for their presentations and assistance in note-taking. All the publicly elected officials and community at large who took the time to participate, especially those Tribal people who traveled so far to spend time with us and share their stories.

A special heartfelt thanks and gratitude to Mark Franco and Randy Yonemura for their support that made this event a great success.

## **(6) Attendance**

1. Reuben Becerra, Round Valley
2. Carlino Bertgs, Round Valley Reservation
3. Carol Cook, Sherwood Valley
4. Misty Cook, Sherwood Valley Band of Pomo Indians
5. Barbara Cross, California Department of Water Resources
6. Craig Cross, California Department of Water Resources
7. Cynthia Daniels, Hopland Band of Pomo
8. Mark Franco, Winnemem Wintu
9. Elizabeth Hansen, Redwood Valley Rancheria
10. Chris Howard, Elk Valley Rancheria
11. Geraldine Johnson, Tribal Chair, Elem Indian Colony
12. Bill Koehler, Redwood Valley County Water District
13. Frances T. Landry, Torres Martinez
14. Ronald W. Lincoln, Sr., Round Valley
15. John McCowen, Mendocino County Board of Supervisors
16. Tim Nelson, California Department of Water Resources
17. Ted Ochoa, Round Valley
18. David O
19. Renatta Payer, Hopland
20. Gabriel Ray, Scotts Valley Band of Pomo
21. Zhao Qiu, Redwood Valley Rancheria
22. Suzanne Quincy, Laytonville
23. Irenia Quitiquit, Scotts Valley Band of Pomo Indians
24. Sam Phillips, Round Valley
25. Brock Richards, Elk Valley Rancheria
26. Margaret Ruy, Sherwood Valley
27. Frank Silva, Jr., Sherwood Valley
28. Ray Simon, Middletown Rancheria
29. Lynda Speer, Pomo Fort Bragg
30. William Speer, Sr., Shasta Indian Nation
31. Atta P. Stevenson
32. Chuck Williams, Redwood Valley Rancheria
33. Kenneth G. Wright, Round Valley Indian Reservation
34. Mark Wuerfel, Laytonville
35. Randy Yonemura, California Indian Heritage Commission
36. Gregg Young, Potter Valley Tribe

Issues Identified at California Water Plan Update 2009 North Coast Regional Tribal Water Plenary Meeting, March 10, 2009

